



FREDERICK COUNTY PLANNING COMMISSION

December 14, 2016

TITLE: Alban Cat

FILE NUMBER: SP-05-07 AP #16668 (APFO#16669, FRO #16670)

REQUEST: Site Development Plan Approval

The Applicant is requesting site development plan approval to add Lot 1, Section 2 as an equipment storage area to the existing approved 'Heavy Equipment Related Services' facility on Lot 2, Section 2 creating an overall 13.9-acre facility.

PROJECT INFORMATION:

ADDRESS/LOCATION: 9460 Myersville Road, south of Milt Summers Road
TAX MAP/PARCEL: Tax Map 46, Parcel 404
COMP. PLAN: Light Industrial
ZONING: Light Industrial
PLANNING REGION: Middletown
WATER/SEWER: W-5; S-3/S-5

APPLICANT/REPRESENTATIVES:

APPLICANT: Alban Cat
OWNER: Alban Cat
ENGINEER: Terra Solutions Engineering, LLC
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit 1-Alban Cat: Site Plan Rendering
Exhibit 2-Alban Cat: Parking Space and Stall Modification Justification
Exhibit 3-Alban Cat: Landscape Plan Modification Justification

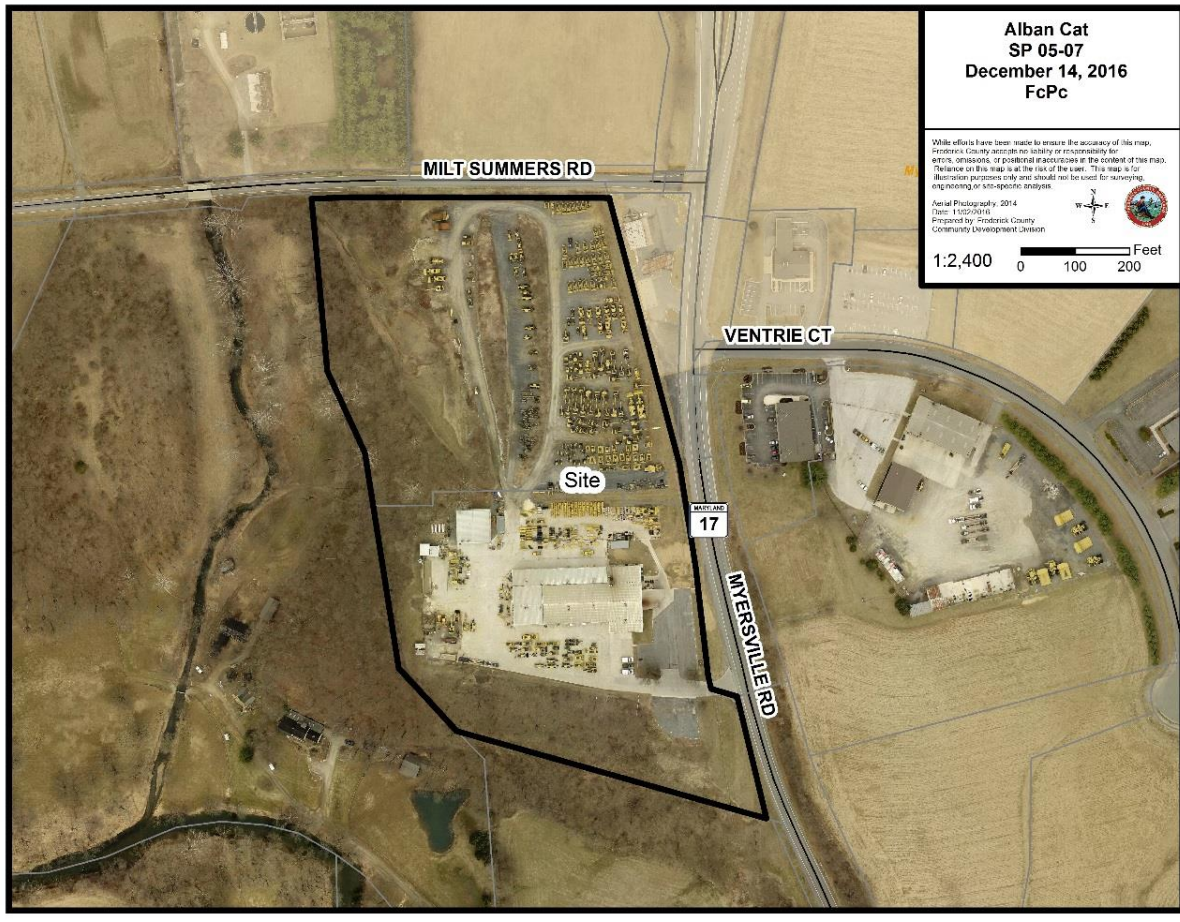
STAFF REPORT

ISSUE

Development Request

The Applicant is requesting approval to add Lot 1, Section 2 as an equipment storage area to the existing approved 'Heavy Equipment Related Services' facility on Lot 2, Section 2 (see Graphic #1). The proposed use is being reviewed as a "Heavy Equipment Related Services" land use in accordance with a Zoning Use Determination issued by the Frederick County Zoning Administrator in a letter dated January 6, 2006. The 7.27 acre parcel to the north of the existing facility is currently being used for heavy equipment storage, a use that was never approved on that site. Therefore, the Frederick County Planning Commission (FCPC) must review and approve the expansion of this existing use in order to bring the full site into compliance. There is no construction, expansion or further heavy equipment storage proposed as part of this site plan, see Graphic #1.

Graphic #1: Alban Cat Site Aerial



Modification Requests:

1. §1-19-6.220.B.2.a: The Applicant is seeking a parking stall size modification to permit 10'x18' parking spaces instead of the standard 9'x18'.
2. §1-19-6.220.B.2.a: The Applicant is seeking a parking aisle width modification to permit 38' wide drive aisles instead of the standard 24'.
3. §1-19-6.220.A.1: The Applicant is seeking a parking space modification to permit a 79 space reduction in the number of required parking spaces, from the required 117 to 38 existing spaces on site.
4. §1-19-6.400.D.2: The Applicant is seeking a parking area canopy coverage modification to permit 14.6% parking area canopy cover instead of the required 20%.

Alban Cat

December 14, 2016

BACKGROUND

Development History

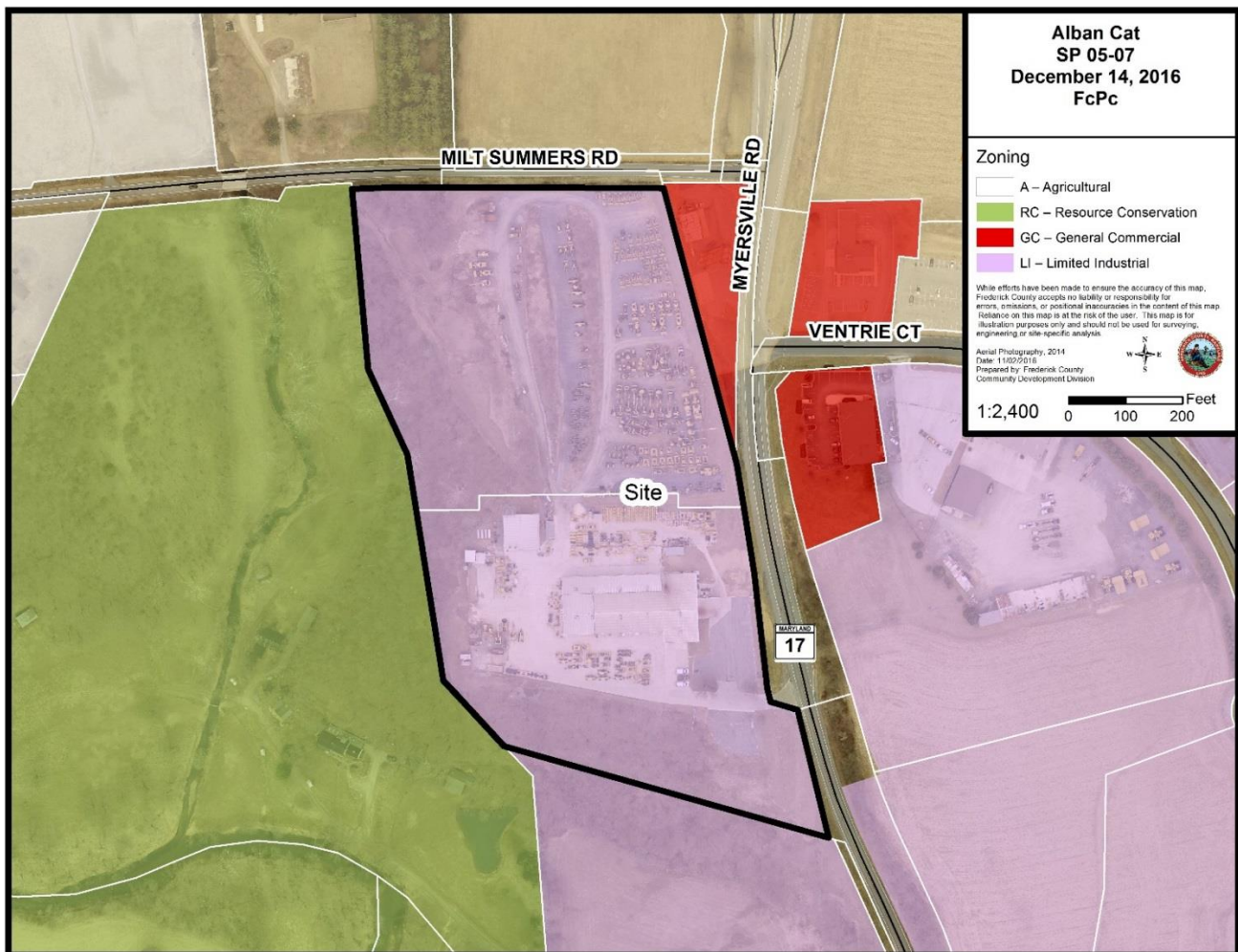
This site had prior site plan approval in 2005 for the existing Heavy Equipment Related Services facility and associated heavy equipment storage with business office, parts storage, equipment repair/service area and two detached maintenance buildings.

The 7.27 acre parcel to the north of the existing facility is currently being used for heavy equipment storage; this use was never approved on that site. There is no construction, expansion or further heavy equipment storage proposed as part of this site plan.

Existing Site Characteristics

The site is currently zoned Light Industrial, and is developed with an existing Heavy Equipment Related Services facility. The properties to the west and south are undeveloped Resource Conservation and Agriculture zoned lands. The municipal boundary of the Town of Myersville is located to the north and northeast of the subject property. There is also a small General Commercial (GC) zoned property immediately to the east of the subject site that is developed with a Gas Station (see Graphic #2). The plan was submitted to the Town of Myersville for review and comment. The Town reviewed the plan and no comments relevant to the site development plan review criteria were provided.

Graphic #2: Alban Cat Zoning Map



ANALYSIS

Summary of Development Standards Findings and Conclusions

Issues: The primary issue associated with this proposal was the development of a landscape plan that was commensurate with the existing facility and site function while understanding that there are no improvements, alterations, or expansions proposed to the site.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** The proposed Site Development Plan adheres to the lot dimensions required for industrial uses in the Light Industrial (LI) Zoning District.

The proposed setbacks for the facility are the following:

	Required	Proposed
Minimum Lot Area	20,000 sq ft	13.92 acres
Minimum Lot Width	100'	1,320'
Front Yard-Myersville Road	25'	63'
Front Yard-Milt Summers Road	25'	683'
Side Yard	equal to height	30'
Rear Yard	20'	70'
Max Building Height	60'	30'

2. **Signage §1-19-6.300:** The Applicant is permitted to have 189 square feet of total signage based on the length of the facades facing the public streets. The Applicant has one 16 sq ft free standing sign and one 16 sq ft building mounted sign on site, for a total of 32 sq ft of signage. There are no proposed alterations to the existing signage on site. The existing signage complies with the requirements of §1-19-6.300.
3. **Landscaping §1-19-6.400:** In accordance with §1-19-6.400.I, the Applicant has provided an alternative landscape plan for this site. The Applicant has proposed planting a total of 10 trees, comprised of 4 Red Maples, 3 Pin Oaks, and 3 Flowering Dogwoods.

In accordance with §1-19-6.400.A.1, the Applicant is required to provide 35 street trees along the frontages of Myersville Road and Milt Summers Road, 19 and 16 respectively. Two Pin Oaks, and two Red Maples are proposed along Myersville Road, south of the existing sign. This proposed landscaping will assist in screening the existing service bays and the main vehicle storage area located to the north of the principal structure. The remaining two Red Maples, two Pin Oaks, and three Dogwoods are all proposed to be planted around the main parking area in order to provide additional canopy cover and increased site aesthetics.

In accordance with §1-19-6.400.D.2; a minimum of 20% canopy is required over the proposed parking areas. The Applicant is required to provide 2,330 square feet of canopy coverage over the existing parking spaces. The total proposed landscaped canopy coverage of the site will be 1,700 square feet or approximately 14.6%.

In accordance with §1-19-6.400.I, the Applicant has requested a landscape plan modification due to planting conflicts within the existing parking area, see Exhibit #3. Staff worked with the Applicant in order to develop a landscape plan that accommodated the existing facility and site function, while increasing the amount of overall landscaping on site.

4. **Screening §1-19-6.400:** The Applicant has an existing forested screening buffer along the western and southern property boundaries. The buffer consists of a mature forest of trees and shrubs that are parallel to the Grindstone Run tributary to the west, as well as providing screening to the south against the Agricultural zoned areas.
5. **Lighting §1-19-6.500:** The Applicant is not proposing any additional lighting as part of this application. There are existing building mounted and pole lights on site.

Modifications:

1. §1-19-6.400.I: The Applicant is seeking a modification for approval of an alternate landscaping plan that is commensurate with the existing facility and site function while understanding that there are no improvements, alterations, or expansions proposed to the site.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** Access will be via the existing 25' wide drive onto Myersville Road. There are no alterations proposed to the existing access point.
2. **Connectivity §1-19-6.220 (F):** Due to the rural nature of the site and existing surrounding development uses/patterns there is no connection to adjacent parcels existing or proposed as part of this site plan. The overall site has an internal circular flow that provides for ease of movement for large vehicles.
3. **Public Transit:** This Site is not served by Transit.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The proposed parking calculations are based on the category of 'Office' and 'Equipment Sales & Service', the proposed activities on-site, and the number of proposed employees. Required parking for the category of 'Office' is calculated at 1 space for each 300 square feet of office space floor area. Therefore, 6,420 square feet of office space, requires 21.4 parking spaces.

Staff worked with the Applicant to update the site plan for the entire site and bring it more into conformance with current regulations. As part of this process, the parking chart was updated to correlate with the existing uses in the zoning ordinance. Required parking for the site was updated to reflect the category of 'Equipment Sales & Service'. Parking for this category is calculated at 2 spaces for each service bay and 1.5 spaces per employee. Therefore, 14 service bays and 45 employees, requires 95.5 parking spaces.

Based on these calculations, the Applicant is required to provide 117 parking spaces and the Applicant has 38 existing parking spaces on-site, including two (2) ADA accessible spaces. In accordance with Z.O. § 1-19-6.220.A.1, the Applicant is seeking a parking space modification in order to permit a reduction in the overall parking on site. The existing site plan (SP-05-07) approved in 2005, reflects the existing operation on Lot 2 and utilizes the generic industrial parking calculation

resulting in 38 standard parking spaces. This site is fully constructed and has been operating successfully for almost 40 years with 38 total parking spaces. The site also contains approximately 250,000 square feet of gravel and concrete area that may serve as overflow parking for employees of the site on an as needed basis. During review The Applicant has provided a parking space modification request, see Exhibit #2. For these reasons, Staff has no objection to granting this parking space modification.

Existing Parking Stall Dimensions: There is no construction, expansion or further heavy equipment storage proposed as part of this site plan. The site has previously constructed and striped parking stalls with a dimension of 10'x20', which is a deviation from the standard stall size of 9'x18'. In accordance with Z.O. § 1-19-6.220.B.2.a, the Applicant is seeking a parking stall dimension modification in order to permit a 10'x20' parking stall, see Exhibit #2. The majority of vehicles accessing the site are large trucks, where a larger stall dimension is beneficial. Staff has no objection to granting this parking stall dimension modification.

Existing Drive Aisle Dimension: The site contains existing parking aisle dimensions of 38' for the two way drive aisle within the main parking area located to the east of the main Alban Cat sales and service center. The existing 38' foot wide drive aisle is a deviation from the standard 24' two-way wide drive aisle. The facility's existing loading docks are located to the north end of the parking lot, therefore the 38' wide drive aisle is essential for the operations of the business and essential loading and unloading of equipment and machinery parts. In accordance with Z.O. § 1-19-6.220.B.2.a, the Applicant is seeking a drive aisle dimension modification in order to permit a 38' two-way drive aisle, see Exhibit #2. Staff has no objection to granting this drive aisle dimension modification based on existing conditions.

5. **Bicycle Parking §1-19-6.220 (H):** In accordance with Z.O. Section 1-19-6.220, the Applicant is required to provide 6 bike racks based on the requirement for 1 rack for each 20 auto spaces, minimum 1, maximum 10. The Applicant has proposed 6 bike racks to be located on the east side of the building meeting minimum zoning ordinance criteria.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The existing building has a concrete walkway along half of the length of the eastern building exposure. The sidewalks correspond with the proposed employee parking and ADA areas. There are no sidewalks along Myersville Road or Milt Summers Road.

Modifications:

1. §1-19-6.220.A.1: The Applicant is seeking a parking space modification to permit a 79 space reduction in the number of required parking spaces, from the required 117 to 38 existing spaces on site.
2. §1-19-6.220.B.2.a: The Applicant is seeking a parking stall size modification to permit 10'x20' parking spaces instead of the standard 9'x18'.
3. §1-19-6.220.B.2.a: The Applicant is seeking a parking isle width modification to permit 38' wide drive aisles instead of the standard 24'.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Private Well and Septic:** The Site is served by existing well and septic, and the current water and sewer classification is W-5; S-3/S-5. The Health Department has conditionally approved the site plan.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The eastern and southern portions of the site are flat, although the grade drops significantly on the north and west portion of the site parallel with the Grindstone Run, a tributary to the Catoctin Creek located beyond the subject site.
2. **Vegetation:** The majority of the site has been heavily graded for gravel areas for inventory storage. There are existing areas of forests along the western and southern property boundaries.
3. **Sensitive Resources:** There are no sensitive environmental resources located on site.
4. **Natural Hazards:** There are no natural hazards located on site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** The site is a place of business there are no common areas existing or proposed.

Other Applicable Regulations

Moderately Priced Dwelling Units – Chapter 1-6A: The proposed use is non-residential; therefore, MPDUs are not required.

Stormwater Management – Chapter 1-15.2: In accordance with latest MDE SWM Regulations any development/land disturbance after 1984 and over 5000 SF cumulative, stormwater management is to be provided. Historic aerial photography of the site shows that all of the land disturbance occurred prior to 1984. Therefore, this plan is exempt from stormwater management requirements.

Subdivision Regulations – Chapter 1-16: An addition plat for Lot 1 & 2 (AP # 16983) to create one 13.92 acre parcel has been submitted and is under review. The Applicant shall record the addition plat prior to final signature of the site development plan. The new liber folio will be listed within Site Plan Note #1, once the plat has been recorded.

APFO – Chapter 1-20:

1. **Schools.** Schools are not impacted because the development of the property is a non-residential use.
2. **Water/Sewer.** The Property has a water and sewer classification of No Planned Service (NPS) in the County's *Master Water and Sewer Plan*. The Project will be served by well and septic.

3. **Roads.** This application is exempt from Roads testing due to the existing development resulting in less than 6 vehicle trips during the AM/PM peak hours.

Forest Resource – Chapter 1-21: Most, if not all forest clearing on this site appears to have been done prior to the adoption of the Forest Conservation Act in 1991. The existing 3532 sq ft metal building was mitigated for FRO under AP 3445 (fee-in-lieu payment).

Since no new development is proposed and the purpose of this site plan is to document the existing conditions, the project is exempt from FRO.

Historic Preservation – Chapter 1-23: There are no sensitive historic resources on this property.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditionally Approved
Development Review Planning:	Hold: Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Approved
Health Dept.	Conditionally Approved
Office of Life Safety	Approved
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Alban Cat site plan to add Lot 1, Section 2 as an equipment storage area to the existing approved 'Heavy Equipment Related Services' facility on Lot 2. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval or December 14, 2019.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Prior to final signature approval of the Alban Cat site development plan, Addition Plat (AP 16983) Alban Partnership Addition to Alban Partnership shall be recorded combining Lots 1 and 2, Section 2 into one 13.9 acre parcel. The new liber folio must be listed within Site Plan Note #1, once it is recorded.
3. The proposed uses shall comply with applicable supplementary Industrial district regulations as well as the Industrial District Performance Standards provided in § [1-19-7.600](#) and § [1-19-7.610](#), respectively.
4. Planning Commission approval of the requested parking stall size modification to permit 10'x20' parking spaces instead of the standard 9'x18'.

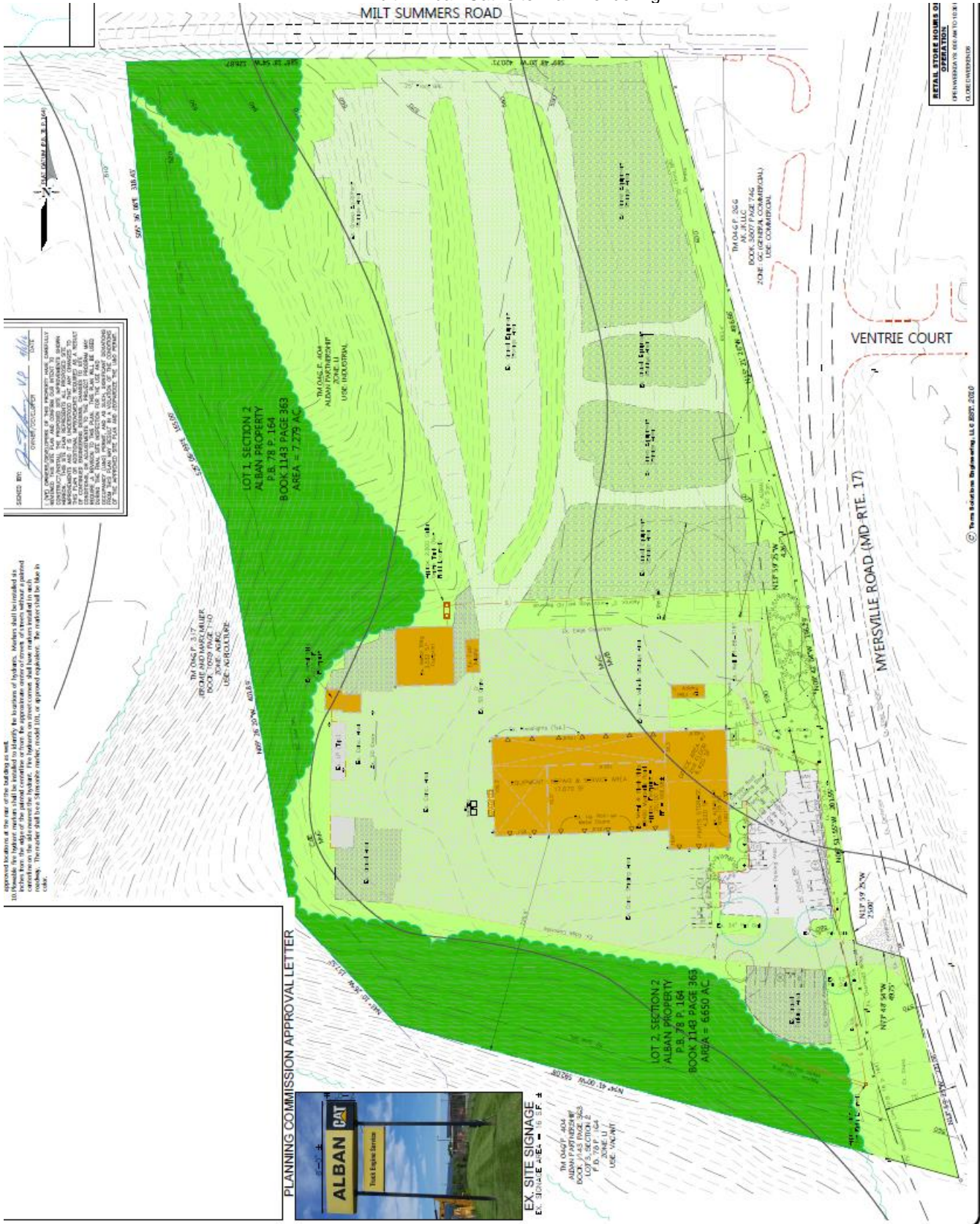
5. Planning Commission approval of the requested parking aisle width modification to permit 38' wide drive aisles instead of the standard 24'.
6. Planning Commission approval of the requested parking space modification to permit a 79 space reduction in the number of required parking spaces, from the required 117 to the existing 38 spaces on site.
7. Planning Commission approval of the proposed alternate landscaping plan to allow a reduction in street trees from the required 35 trees to the proposed 10 trees, and allow a reduction in canopy coverage from the required 20% to the proposed 14.6% commensurate with the existing facility and site where no improvements, alterations, or expansions are proposed.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** SP-05-07, AP 16668 **with the modifications and conditions** as listed in the staff report for the proposed Alban Cat facility to add Lot 1, Section 2 as an equipment storage area to the existing approved 'Heavy Equipment Related Services' facility on Lot 2, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit 1-Alban Cat: Site Plan Rendering



Terra Solutions Engineering, LLC

Commercial & Residential Land Planning and Engineering

"Solutions through experienced Engineering"

5216 Chairmans Court, Suite 105
Frederick, Maryland 21703-2881

Phone: 301-378-9842

Fax: 301-378-9846

November 21, 2016

Mr. Tolson DeSa
Frederick County Division of Permitting
and Development Review (DPDR)
30 North Market Street
Frederick, MD 21701

Re: **ALBAN Cat Dealership**
Parking Reduction Modification
Tax Map 46, Parcel 404
Situating at 9460 Myersville Road
File #: SP 05-07, AP#: 16668

Dear Mr. DeSa:

Pursuant to the requirements of Frederick County Zoning Ordinances (§1-19-6.220):

Parking Space Modification (§ 1-19-6.220):

["an increase or reduction in the number of required parking spaces may be granted by the Planning Commission where the applicant or Planning Commission authorized representative can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by ITE or other documentation as approved by the Planning Commission."],

This modification request is for the approval of a reduction in the total number of painted or assigned parking spaces by seventy-nine (79) parking spaces. The existing Site Plan has a total of thirty-eight (38) painted or assigned on-site parking spaces, and approximately 90,000± square feet (SF) of existing concrete surface and an additional 160,000± SF of existing gravel storage & parking surface. The total striped or painted parking provided for the entire property will remain at thirty-eight (38) spaces, while one-hundred seventeen (117) spaces were calculated to be required according to the Frederick County Zoning Ordinance.

Since the existing site has been in operation for almost 40-years and parking has not been an operational problem for either the service center or limited heavy equipment sales, we feel there is more than sufficient justification for the Planning Commission to grant this project a Parking Reduction Modification in accordance with the provisions outlined in Section 1-19-6.240 of the Frederick County Zoning Ordinance.

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November 21, 2016

Frederick County Division of Permitting and Development Review (DPDR)
30 North Market Street
Frederick, MD 21701
Attention: Tolson DeSa

Re: **ALBAN Cat Dealership**
Parking Stall Size Modification
Situating at 9460 Myersville Road
File #: SP 05-07, AP#: 16668

Dear Mr. DeSa:

Pursuant to the requirements of Frederick County Zoning Ordinances (§1-19-6.220 (B) (2) (a):

(2) An increase in stall and aisle width dimensions may be granted when recommended by the Community Development Division Traffic Engineer and approved by the Planning Commission or their authorized representative (as provided in §§ 1-19-3.300 through 1-19-3.300.4), for the following:

(a) Safety or site circulation needs which shall be based on an evaluation of land use turnover rates (ITE Traffic Engineering Handbook, 6th Edition as amended), circulation efficiency, and parking availability.

This modification request is for the approval of an increase in stall size and aisle width dimensions. Since the project site has been in existence for 40 years, site conditions are basically unchanged. This includes the existing asphalt parking area in front of the ALBAN Cat building, which consists of 23 parking spaces. Some of the existing spaces have stall dimensions of 10' x 18' which is an increase from the standard 9' x 20' stall dimension. This is due to the fact that many of the vehicles (client & ALBAN Cat) that park at the business are known to be trucks. Additionally, the existing parking aisle width is 38' which is an increase in the required width of 24'. The increase in aisle width is due to the fact that there are two (2) existing loading docks at the end of the parking aisle which is used for various sized vehicles to load and unload equipment and machinery parts. This layout has been effectively used for many years and is necessary for the operations of the business.

Thank you for your consideration of our request and please feel free to contact us with any questions or comments related to our parking space size and drive aisle width modification request above.

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November 21, 2016

Frederick County Division of Permitting and Development Review (DPDR)
30 North Market Street
Frederick, MD 21701
Attention: Mr. Tolson DeSa

Re: **Alban Cat Property**
Modification for Tree Canopy Coverage
Situating at No. 9460 Myersville Road
File #: SP-05-07, Project No.: 16668

Dear Mr. DeSa:

Pursuant to the requirements of Frederick County Zoning Ordinance (§ 1-19-6.400 (D) (2):

"Parking area landscaping – Planting trees shall be predominantly deciduous and provide at least 20% canopy coverage at maturity."

But, also pursuant to the requirements for the Frederick County Zoning Ordinance (§ 1-19-6.400 (I):

The Planning Commission may modify the minimum landscaping, buffering and screening standards where a specific finding is made that the required standards result in a practical difficulty and where an alternate landscape, buffering and screening plan is approved by the Planning Commission."

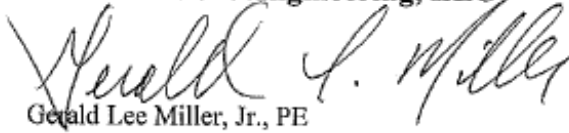
This modification request is for a reduction in the required 20% canopy coverage for the referenced site. The existing asphalt parking area comprises 11,650 square feet of paving. To meet the required 20% canopy coverage, approximately 2,330 square feet of deciduous tree cover is required around the perimeter of the existing parking area. Unfortunately, due to the existing physical constraints of the site (i.e., existing concrete loading dock to the north, septic force main directly behind the existing parking area, and the existing building location immediately adjacent to parking lot) there is not enough space to plant the number of required trees to fully meet the 20% coverage requirement. With the trees that are proposed and existing on the Site Plan, we are able to provide 1,700 square feet of canopy coverage and provide approximately 73% of the 80% requirement.

Thank you for your consideration of our request and please feel free to contact us with any questions or comments related to this Site Plan modification.

Alban Cat Property
Modification for Tree Canopy Coverage
Situated at No. 9460 Myersville Road
File #: SP-05-07, Project No.: 16668
Page 2 of 2

Sincerely,

Terra Solutions Engineering, LLC

A handwritten signature in black ink, appearing to read "Gerald L. Miller".

Gerald Lee Miller, Jr., PE

Cc: Donna Shopulski

Alban Cat

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Alban Cat

December 14, 2016

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